

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6277-CR-HURLEY/VITUNAC

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIC McKINNEY,

\_\_\_\_\_  
Defendant. /

**REPORT AND RECOMMENDATION**

**THIS CAUSE** came before the Court on June 13, 2007, for a hearing on alleged violation of supervised release. The defendant is charged with violation of his supervised release:

1. Violation of mandatory condition, by failing to refrain from violation of the law.

On or about February 23, 2007 in the Southern District of Florida, the Supervised Releasee was arrested by the Immigration and Customs Enforcement and charged with the offense of Unlawfully Reentering the United States after being Deported, in violation of title 8 U.S.C. §1326. This case is pending disposition in Docket No. 07-80040-CR-HURLEY/VITUNAC.

The defendant consulted with counsel and admitted to violating the condition of supervised release. The Court finds that the defendant voluntarily and knowingly admitted to the violation of his supervised release. Based upon this finding, this Court recommends to the District Court that Eric McKinney be found in violation of his supervised release and recommends that the United States District Court proceed to sentencing in this matter.

Pursuant to 28 U.S.C. §636(b)(1)(B)and (C), the parties shall serve and file written objections, if any, with the Honorable Daniel T. K. Hurley, United States District Court Judge within ten (10) days from the date of this report and recommendation.

**DONE AND SUBMITTED** in Chambers at West Palm Beach, Florida, this 13th day of July, 2007.



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**LINNEA R. JOHNSON**  
**UNITED STATES MAGISTRATE JUDGE**

c: The Honorable Daniel T. K. Hurley  
Jeffrey Kay, AUSA  
Arthur Wallace, Esq.  
Richard J. Samson, USPO